

REMARKS

Claims 90-134 are pending in this application, with claims 90, 107 and 121 being independent. Independent claims 90, 107 and 121 have been amended; dependent claims 91-93, 100, 108-110, 115, 122-124 and 129 have been amended for consistency with the amended independent claims. Dependent claim 97 also has been amended to more clearly state the claimed subject matter.

35 U.S.C. § 101 Rejection

Claim 121 stands rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter based on the preamble language "a propagated signal." To expedite examination, Applicant has amended the preamble of claim 121 to remove reference to "a propagated signal." Nonetheless, the language "a propagated signal" resides in the preamble and was not intended by Applicant to breathe life into the claim. As such, a narrowing of claim scope is not believed appropriate based on its removal.

35 U.S.C. § 102(e) Rejection

Claims 90-97, 99-113, 115-127 and 129-134 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Bunting *et al.* (U.S. Patent No. 6,134,530). This rejection is obviated by the amendments to independent claims 90, 107 and 121 in view of Applicants remarks.

Bunting *et al.* discloses, in pertinent part, a system and method of routing service calls based on a customer profile to improve customer service and to identify cross-sell opportunities. Bunting *et al.* does not describe or suggest leveraging an incoming service call for assistance as a conduit to present a sales pitch to the caller based on a sales pitch preference of the caller, as required by amended independent claims 90, 107 and 121. Applicant requests, therefore, reconsideration and withdrawal of the § 102(e) rejections of those claims and of the claims that depend from them.

Specifically, independent claim 90 recites using a sales pitch preference of a telephone caller to select a first sales pitch appropriate for that telephone caller. A caller identity and/or a

first attribute of the caller are determined and used to access from a first database additional attribute information stored about the caller prior to the call. The additional attribute information includes a sales pitch preference of the caller, such as, for example, a preference to receive a certain type of sales pitch, a preference not to receive a particular sales pitch or type of sales pitch, and/or a preference not to receive any sales pitch. The sales pitch preference is used to select an appropriate sales pitch from within a second database of potential sales pitches. The caller then is routed to a human operator and the human operator is assisted by the computer to present the sales pitch to the caller.

In the method of Bunting *et al.*, a customer call is received and routed to an appropriate service resource by “matching sales and service resource skill profiles with a customer profile, contact type and request type.” Bunting at 4:18-22. Cross-sell opportunities also may be identified. *Id.* Bunting *et al.* describes that the customer profile may include “a language, a type of customer, a segment, a request type and product(s)” and may be used to group like customers based on “their demographics, behaviors, values, current products used and the current and potential value of the customer to the company’s business.” Bunting at 4:23-45. Notably, none of these features describe or suggest a customer profile that includes a sales pitch preference of the customer. In short, Bunting *et al.* at least fails to describe or suggest using a sales pitch preference to select an appropriate sales pitch from within a second database of potential sales pitches. *Id.*; *see also* Bunting at 7:19-23, 31-33, 8:56-60, 9:21-23, 12:18-43. Claim 90 is allowable for at least this reason.

Claims 91-106 depend from claim 90 and are allowable for at least the reasons given for claim 90.

Independent claims 107 and 121 are directed to a system and to a computer program, respectively, for assisting to present a first sales pitch appropriate for a particular telephone caller of a telephone call center based on a sales pitch preference of the caller. Claims 107 and 121 each recite either means or code segments that perform the functions of “identify[ing] a first sales pitch based upon at least the additional attribute of the caller, wherein the additional attribute comprises a sales pitch preference of the caller.” Bunting *et al.* does not describe or

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suggest this claim limitation. Thus, for at least these reasons, claims 107 and 121 are allowable over Bunting *et al.*

Claims 108-120 and 121-134 each depend from either claim 107 or claim 121 and are allowable for at least the reasons given for claims 107 and 121. For the reasons discussed above, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 90-134.

Enclosed is a \$420.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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